



CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION

**2010 Board of Parole
Hearings Revocation Trends**



Overview

- Types of revocation hearings conducted by the Board of Parole Hearings.
- Total Board Actions taken in 2010.
- Explanation of the Revocation Actions by BPH During Calendar Year 2010 by County Report.



Hearings Conducted by BPH

- The Board conducts 4 types of revocation hearings/reviews:
 - Return to Custody Assessment
 - Probable Cause Hearing
 - Revocation Hearing
 - Optional Waiver Review



Return to Custody Assessment

- The RTCA review is conducted when Parole staff have made a preliminary determination that a condition of parole has been violated and the appropriate disposition for the parolee is a return to custody.
- RTCA is similar to a District Attorney review and filing.



Probable Cause Hearing

- The PCH is intended to provide the parolee with an opportunity, soon after being placed in custody, to contest the pending charges and/or present evidence that continued incarceration is not necessary, even though the charges may be supported.
- A PCH is similar to a preliminary hearing and settlement conference.
- The parolee is afforded counsel at this step.



Revocation Hearing

- Although many steps and tasks are similar to the PCH, the revocation hearing is bifurcated. There is a fact finding phase and a disposition phase.
- A revocation hearing is similar to a trial.



Optional Waiver Review

- An Optional Waiver can only occur if the DA has filed charges on the offenses that occurred causing the violation.
- The parolee has the right to postpone the revocation hearing in order not to self incriminate.
- The OWR occurs when the parolee revokes his/her waiver.
- The OWR is similar to an abbreviated settlement conference.
- This option will probably disappear based upon the Courts' will have jurisdiction over both the new charges and the revocation charges.



Total Board Actions for 2010

- Number of holds placed by Parole in 2010
 - 143,179
- Number of Return to Custody Assessments completed by the Board
 - 85,436
 - This is the number of cases referred to the Board by Parole.
 - All parole referred cases receive an RTCA.



Board Actions 2010 (cont.)

- Number of Probable Cause Hearings
– 77,308
- Number of full Revocation Hearings conducted
– 8,354



Revocation Report

- Revocation Actions By BPH During Calendar Year 2010 by County
 - Information is taken from the Revocation Scheduling and Tracking System (RSTS) and other CDCR databases.
 - Contains only cases referred to the Board by the Parole when Parole did not impose an intermediate sanction.
 - Does not contain the total number of holds placed by Parole.



Revocation Report (cont.)

- Contains parolees whose last commitment offense was non-violent, non-serious, or he/she is not required to register as a sex offender.
 - This population will potentially be on Community Parole Supervision.
 - The numbers eliminate all sex offenders as we were unable to differentiate which were classified as a High Risk Sex Offender (HRSO).



Revocation Report (cont.)

- Contains the number of BPH actions where the Board found either Good Cause (found Guilty) for a violation and imposed a sanction or dismissed the charges on parolees potentially eligible for community supervision.
 - Sanctions can include drug treatment, continue on parole, credit time served, or revoked parole for up to 12 months.



Deputy Commissioner Disposition

- The columns indicate:
 - Which hearing/review the case was at when final disposition was imposed.
 - Revoked – parolee was found guilty and a sanction was imposed.
 - Dismissed – the hearing occurred, but the hearing officer did not have enough evidence during the hearing to support the charges; therefore, all charges were dismissed.



Violation Type

- Technical
 - These violations include offenses; to include, failure to report, use of alcohol, not following instructions from parole, traveling beyond 50 miles without permission, etc.
- Non-Technical
 - Violations include misdemeanor or felony crimes: DUI, battery, spousal abuse, robbery, etc.



Total BPH Hearings

- The total number of hearings/reviews BPH conducted on parolees during 2010 who were potentially eligible for community supervision by county of last commitment.



Example


- Alameda County
 - The total number of BPH hearings conducted for parolees associated with Alameda County in 2010 was 2,485.

Revocation Actions By BPH During Calendar Year 2010 by County											
Parolees Potentially Eligible for Post Release Community Supervision											
	Final Hearing Where a Deputy Commissioner Either Revoked Parole or Dismissed the Charges								Violation Type		Total Hearings
County	Return to Custody Assessment		Probable Cause Hearing		Revocation Hearing		Optional Waiver Review			Non Technical	
	Revoked	Dismissed	Revoked	Dismissed	Revoked	Dismissed	Revoked	Dismissed			
Alameda	92	7	1,843	33	222	44	240	4	1,077	1,320	2,397



Example (cont.)

- The number of cases resolved at the RTCA was 99, 92 revoked and 7 dismissed.



Revocation Actions By BPH During Calendar Year 2010 by County												
Parolees Potentially Eligible for Post Release Community Supervision												
County	Final Hearing Where a Deputy Commissioner Either Revoked Parole or Dismissed the Charges								Violation Type		Total BPH Hearings	
	Return to Custody Assessment		Probable Cause Hearing		Revocation Hearing		Optional Waiver Review			Non Technical		
	Revoked	Dismissed	Revoked	Dismissed	Revoked	Dismissed	Revoked	Dismissed				
Alameda	92	7	1,843	33	222	44	240	4	1,077	1,320	2,397	



Example (cont.)

- The number of cases where the parolee accepted the offer at the PCH (settlement conference) was 1,843 and 33 cases were dismissed due to no probable cause for the charges was found.

Revocation Reasons By BPH During Calendar Year 2010 by County											
Parolees Initially Eligible for Post Release Community Supervision											
	Final Hearing Where a Decision Commissioner Either Revoked Parole or Dismissed the Charges								Violation Type		Total BPH Hearings
County	Return to Custody Assessment		Probable Cause Hearing		Revocation Hearing		Optional Waiver Review			Non Technical	
	Revoked	Dismissed	Revoked	Dismissed	Revoked	Dismissed	Revoked	Dismissed			
Alameda	92	7	1,843	33	222	44	240	4	1,077	1,320	2,397



Example (cont.)


- 222 parolees were revoked during the revocation hearing and 44 were found not guilty.

Revocation Actions By BPH During Calendar Year 2010 by County Parolees Potentially Eligible for Post Release Community Supervision											
	Final Hearing Where a Deputy Commissioner Either Revoked or Dismissed the Charges								Violation Type		Total BPH Hearings
County	Return to Custody Assessment		Probable Cause Hearing		Revocation Hearing		Optional Waiver Review			Non Technical	
	Revoked	Dismissed	Revoked	Dismissed	Revoked	Dismissed	Revoked	Dismissed			
Alameda	92	7	1,843	33	222	44	240	4	1,077	1,320	2,397



Example (cont.)


- The number of revocations which occurred due to a technical violation was 1,077.

Revocation Actions By BPH During Calendar Year 2010 by County											
Parolees Potentially Eligible for Post Release Community Supervision											
	Final Hearing Where a Deputy Commissioner Either Revoked Parole or Dismissed the Charges								Revocation Type		Total BPH Hearings
County	Return to Custody Assessment		Probable Cause Hearing		Revocation Hearing		Optional Waiver Review			Non Technical	
	Revoked	Dismissed	Revoked	Dismissed	Revoked	Dismissed	Revoked	Dismissed			
	Revoked	Dismissed	Revoked	Dismissed	Revoked	Dismissed	Revoked	Dismissed			
Alameda	92	7	1,843	33	222	44	240	4	1,077	1,320	2,397



Example (cont.)

- Finally, the number of cases revoked based upon non-technical reasons (parolee committed a misdemeanor or felony) was 1,320.

Revocation Actions By BPH During Calendar Year 2010 by County											
Parolees Potentially Eligible for Post Release Community Supervision											
	Final Hearing Where a Deputy Commissioner Either Revoked Parole or Dismissed the Charges								Violation		Total BPH Hearings
County	Return to Custody Assessment		Probable Cause Hearing		Revocation Hearing		Optional Waiver Review				
	Revoked	Dismissed	Revoked	Dismissed	Revoked	Dismissed	Revoked	Dismissed			
Alameda	92	7	1,843	33	222	44	240	4	1,077	1,320	2,397



Conclusion

- Please remember:
 - These trends are based upon the state parole population in 2010.
 - Probation and state parole will have different revocation criteria.
 - These numbers do not include the sex offenders who are not classified as an HRSO.
 - Questions?